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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/750,406   | 12/28/2000  | Gregory W. Gough     | SBC 0102 PUS        | 6917             |
| 20306  | 7590        | 09/02/2005           | EXAMINER            |                  |
| MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP<br>300 S. WACKER DRIVE<br>32ND FLOOR<br>CHICAGO, IL 60606 |             |                      | HAROLD, JEFFERERY F |                  |
|  |             | ART UNIT             | PAPER NUMBER        |                  |
|  |             |                      | 2646                |                  |

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/750,406             | GOUGH ET AL.        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Jefferey F. Harold     | 2646                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 April 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,6,7,10,12 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,6,7,10,12 and 14-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                      | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date. _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

**DETAILED ACTION**

***Allowable Subject Matter***

1. The indicated allowability of **claims 5, 11, 14 and 20** is withdrawn in view of the newly discovered reference(s) to Moschytz. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-3, 6, 7, 10, 12, 14, and 15-19** are rejected under 35 U.S.C. 102(e) as being anticipated by Moschytz et al. (United States Patent 6,208,732), hereinafter referenced as Moschytz.

Regarding **claim 1**, Moschytz discloses a switched hybrid circuit for use with digital subscriber lines. In addition Moschytz discloses a dsl system comprising: hybrid circuit in operative communication with a transmission line and an dsl modem associated with a subscriber premises, said hybrid circuit comprising a plurality of selectable impedance circuits; and a switch for connecting each of said plurality of

selectable impedance circuits in-line with the DSL modem and the transmission line in response to a control signal, wherein one of said plurality of impedance circuits has an impedance value equal to a characteristic line impedance of said transmission line without a bridged tap, and wherein one of said plurality of impedance circuits has an impedance value equal to a characteristic line impedance with a bridged tap as disclosed at column 5, line 3 through column 6, line 20 and exhibited in figures 5-7.

Regarding **claim 2**, Moschytz discloses everything claimed as applied above (see claim 1) in addition, Moschytz discloses a controller for producing the control signal as a function of a performance characteristic associated with each of said impedance circuits, as disclosed at column 5, line 3 through column 6, line 20 and exhibited in figures 5-7.

Regarding **claim 3**, Moschytz discloses everything claimed as applied above (see claim 1) in addition, Moschytz discloses wherein the plurality of selectable impedance circuits equals four, as disclosed at column 5, line 3 through column 6, line 20 and exhibited in figures 5-7.

Regarding **claim 6**, Moschytz discloses everything claimed as applied above (see claim 2) in addition, Moschytz discloses wherein the performance characteristic is a data transmission rate and said control signal corresponds to the respective impedance circuit associated with the highest data transmission rate value, as disclosed at column 5, line 3 through column 6, line 20 and exhibited in figures 5-7.

Regarding **claims 7, 10, 12, 14, and 15-19** are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-3 and 6.

***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jefferey F Harold  
Primary Examiner  
Art Unit 2646



JFH  
August 18, 2005